7 **S.B. CIVIL MISC. APPEAL NO.70/2006.**
Balkrishna Vs. Meghraj & Ors.

Date of Order : 14th March 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. P.S. Chundawat, for the appellant.
Mr. Varun Gupta, for the respondent No.3.

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BY THE COURT:

For awarding compensation to the injured-claimant, about 40 years in age and said to be working as a teacher, the Tribunal has taken note of the injuries sustained by him in the vehicular accident including fractures at left trochanter and right clavical, his medical leave from 26.04.2002 to 30.06.2002, and his disablement certificate stating permanent partial disablement at 15% of lower limb. The Tribunal has allowed Rs.10,000/- towards treatment expenditure as against the bills of Rs.8,534.33; Rs.5,000/- for transportation; Rs.5,000/- for special diets; Rs.4,000/- for attendants; and another Rs.13,000/- towards leave and absence from duty. The Tribunal has further allowed Rs.25,000/- towards pains and suffering related with disablement and yet further Rs.3,000/- towards property damage of the motorcycle and has thereby made the award of compensation in the sum of Rs.65,000/- and has also allowed interest @ 6% per annum from the date of filing of claim application.

The award aforesaid is sought to be assailed in this appeal by the claimant-appellant as being low and insufficient. Learned counsel for the appellant contends that the Tribunal has been in error in not taking into consideration the component of loss occasioned to the appellant for being deprived of agriculture work because of the disablement suffered and, therefore, the award of compensation deserves to be enhanced.

The submissions aforesaid cannot be accepted for the fundamental reason that the appellant has been shown to be engaged as a teacher and has claimed compensation for the loss occasioned to him for taking leave from his job. The claimant sought compensation even in relation to the loss caused to him for being not able to carry out the work of an examiner. Though such claim towards an examiner's remuneration has been disallowed by the Tribunal for want of corroborative evidence but it is apparent that the claimant-appellant was engaged as a full time teacher. Obviously, there was no such income from agriculture that could be said to have been earned by the appellant by putting his labour; and it at all, it could have been earned only by engagement of other persons. In that view of the matter, no component of loss of agriculture income could have been considered co-

related with the injuries or 15% disablement of lower limb; and no award of compensation could have been made therefor. No other point has been argued.

The appeal remains bereft of substance and is, therefore, dismissed.

(DINESH MAHESHWARI), J.

Mohan/